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CHARLES ELMORE CROPLEY

No. 1427

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In the Supreme Court of the United States

OCTOBER TERM, 1946

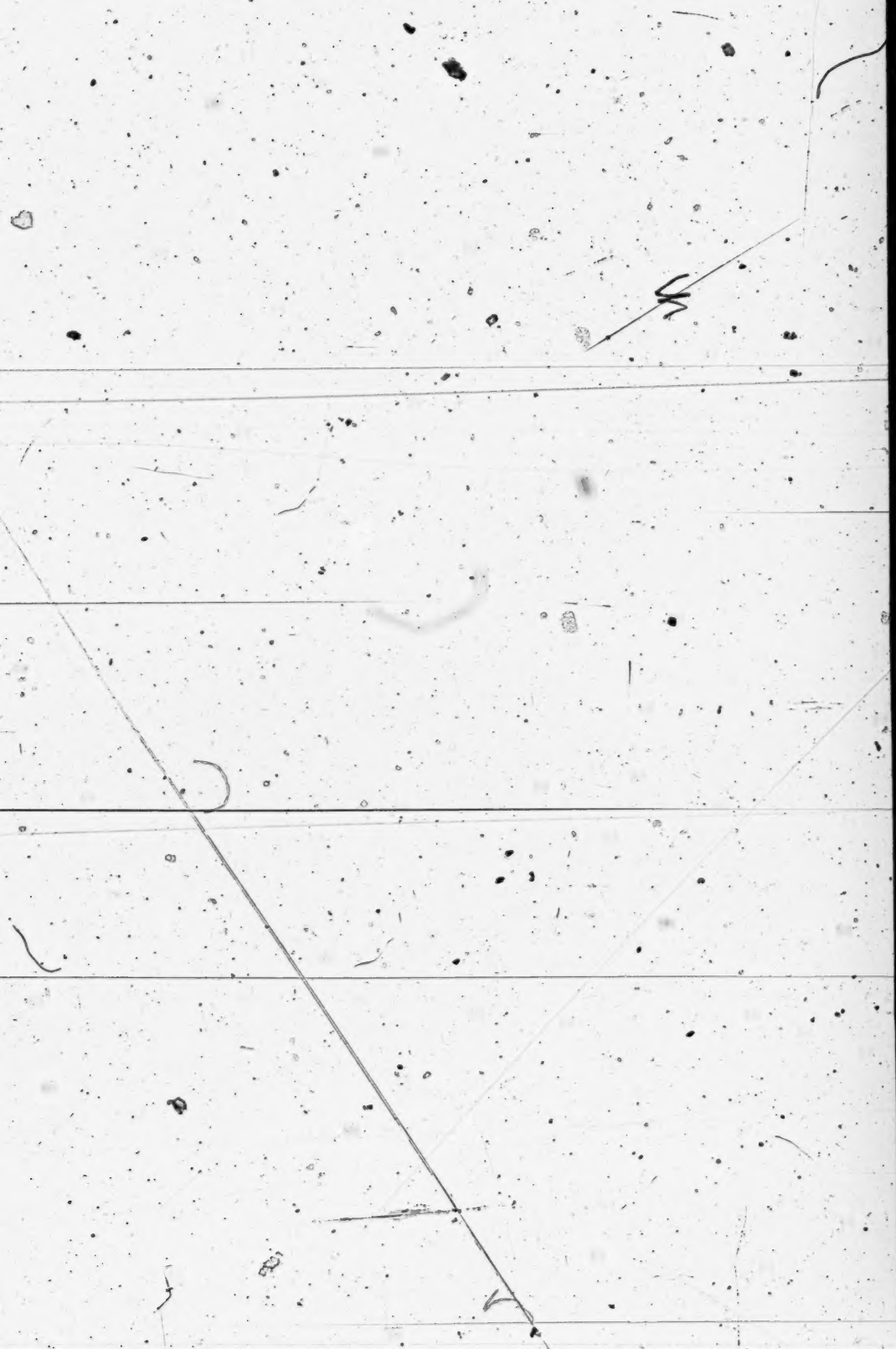
JACOB LICHTER, JENNIE L. LICHTER, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS AS SOUTHERN FIREPROOFING COMPANY, A CO-PARTNERSHIP, PETITIONERS,

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES



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JACOB LICHTER, JENNIE L. LICHTER, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS AS SOUTHERN FIREPROOFING COMPANY, A CO-PARTNERSHIP, PETITIONERS

v.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

This case presents substantially the same issues of constitutionality and interpretation of the Renegotiation Act[1] as *A V. Pownall, et al.* v. *United States,* No. 1295, this Term, and *Alexander Wool Combing Company* v. *United States,* No. 1391, this Term, pending on petitions for writs of

[1] Sec. 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, 56 Stat. 226, 245, as amended by Sec. 801 of the Revenue Act of 1942, 56 Stat. 798, 982, by Sec. 1 of the Military Appropriation Act, 1944, 57 Stat. 347, by the Act of July 14, 1943, 57 Stat. 564, and finally by Sec. 701 of the Revenue Act of 1943, 58 Stat. 21, 78.

certiorari to the Circuit Courts of Appeals for the Ninth and First Circuits respectively. As in those cases, the suit is by the United States to collect amounts alleged to be owed pursuant to an unappealed determination under the Renegotiation Act that petitioners had made excessive profits on war contracts. For the reasons stated in the Memorandum for the United States in No. 1295, we do not oppose the granting of the writ of certiorari, and we request that, if the writs issue in this case and in Nos. 1295 and 1391, the three cases be set down for argument together.

Respectfully submitted.

GEORGE T. WASHINGTON,
Acting Solicitor General.

JUNE 1947.

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